

REMARKS/DISCUSSION:

This Response D is being filed within three months after the shortened statutory period for response that ended on March 10, 2008. Accordingly, a Petition for a Three-Month Extension of Time is made a part of the electronic transmission to the USPTO for this Reponse D. Further, this Response D is made a part of an RCE filed concurrently herewith.

Claims 16-24 remain pending in this application. Claims 16 and 23 have been amended. Support for the amendments may be found at Figs. 7-9, the Abstract and paragraphs [0041] and [0057], for example. Applicants appreciatively acknowledge the Suggested Allowable Subject Matter suggested by the Examiner. The claims have been amended with the suggestions made by the Examiner in mind.

Amendment and/or cancellation of claims are not to be construed as a dedication to the public of any of the subject matter of the claims previously presented. Further, Applicant(s) reserves the right to prosecute the subject matter of such claims in continuation and/or divisional applications.

To the extent that the present amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections. Indeed, Applicant traverses the rejections and preserves all rights and arguments. While Applicant has noted several distinctions over the art of record, Applicant notes that several other distinctions exist, and Applicant preserves all rights and arguments with respect to such distinctions.

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Rejection under 35 U.S.C. § 112

Claim 23 stands rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claim 23 has been amended to distinguish the term “location”.

Rejection under 35 U.S.C. § 102(e)

Claims 16-18 and 23-24 stand rejected as being anticipated by U.S. Patent 6,453,195 to Thompson.

Applicants respectfully transverse the Examiner’s rejection of Claims 16-18 and 23-24, because, according to Applicant’s understanding, the Thompson reference neither teaches nor suggests all of the elements of the Applicant’s invention. Under MPEP 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim, and the elements must be arranged as required by the claim. Under this standard, Applicant submits that Thompson fails to anticipate amended independent claim 16.

The Thompson reference does not, according to Applicant’s understanding, teach or suggest a **first** location of a medical care facility where a patient is connected to at least one sensor, providing a first housing having a first microprocessor-based unit, connecting the first housing to a second housing having a second microprocessor-based unit and performing a medical procedure on the patient in a **second** location of the medical care facility, where the second location includes **both** the first and second microprocessor units. Specifically, the claimed invention allows for, but is not limited to, enabling many time consuming and laborious activities to be minimized or moved to a part in the procedure where time is not as critical. To these ends, the invention is capable of physically separating through system architecture and design into two separate monitoring units, which increase practice efficiency in patient care facilities.

Rejection under 35 U.S.C. § 103

Claims 19-22 stand rejected as being unpatentable over Thompson in view of Hickie (6,453,195) as stated in the office action. Claims 19-22 indirectly depend upon amended independent claim 16. Therefore, based on the previous discussions, neither of the references alone or in combination disclose the invention as now claimed.

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Conclusion

Applicants submit that in view of the discussion, the claim objections and the rejections under 35 U.S.C. §§ 112, 102 and 103 have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END5011NP/VEK.

Respectfully submitted,

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DATED: June 10, 2008